

29441. Butter. (F.D.C. No. 47649. S. No. 23-311 X.)

QUANTITY: 17 64-lb. ctns. at Denver, Colo.

SHIPPED: 7-1-63, from Lusk, Wyo., by Kilmer Creamery.

LABEL IN PART: (Ctn.) "Creamery Butter."

LIBELED: 7-19-63, Dist. Colo.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 8-26-63. Consent—claimed by Kilmer Corp. of Lusk, Wyo., and reconditioned.

CHEESE

29442. Cheddar cheese. (Inj. No. 395. S. No. 54-538 R.)

PETITION FILED: 11-8-61, Dist. S. Dak., against Dakota Cheese Co., a corporation, Pollock, S. Dak., and Robert R. Richardson, plant manager, to show cause why they should not be punished for criminal contempt for violation of the permanent injunction which had been entered against them on 1-11-61 (see food notice of judgment No. 27096).

ALLEGED VIOLATIONS: On 6-17-61, adulterated cheddar cheese was caused to be shipped in interstate commerce by the defendants from Pollock, S. Dak., to New Ulm, Minn., which act was in violation of the terms of the decree of permanent injunction by reason of the shipment of adulterated cheddar cheese and was further in violation of the terms of the decree of permanent injunction in that the cheddar cheese was manufactured at the defendants' cheese factory at Pollock, S. Dak., without complying with the requirement of the injunction that such measures be taken as would insure acceptance of clean milk, free of sediment and other foreign matter, and the rejection of other milk.

CHARGE: 402(a) (3)—when shipped, the article consisted in part of a filthy substance and had been manufactured from filth-contaminated, dirty, and otherwise unfit milk.

PLEA: Guilty.

DISPOSITION: 1-16-62. Corporation—\$300 fine; individual—\$100 fine.

29443. Cheddar cheese and flour. (F.D.C. No. 49715. S. Nos. 61-743/4 X.)

QUANTITY: 74 20-lb. cases of cheddar cheese, and 260 25-lb. bags of flour at Liberal, Kans., in possession of Ideal Food Stores.

SHIPPED: Between 10-23-63 and 12-4-63, the cheese from Springfield, Mo., and the flour from Amarillo, Tex.

LIBELED: 1-9-64, Dist. Kans.

CHARGE: 402(a) (3)—while held for sale, cheddar cheese was rodent-gnawed and contained mold; and 402(a) (4)—the cheddar cheese had been held under insanitary conditions.

402(a) (3)—while held for sale, the flour contained rodent urine.

DISPOSITION: 3-13-64. Default—destruction.

MISCELLANEOUS DAIRY PRODUCTS

29444. Nonfat dry milk. (F.D.C. No. 49823. S. No. 60-467 X.)

QUANTITY: 50 50-lb. bags, at Kansas City, Mo.

SHIPPED: 4-9-63, from Mason City, Iowa.

LIBELED: 9-17-63, W. Dist. Mo.

CHARGE: 402(a)(3)—contained insects and insect parts while held for sale.

DISPOSITION: 2-10-64. Default—destruction.

29445. Nonfat dry milk solids. (F.D.C. No. 49671. S. No. 65-323 X.)

QUANTITY: 235 100-lb. bags at Atlanta, Ga.

SHIPPED: 10-31-63, from Watertown, Wis., by Wm. Fitzgerald Milk Products Corp.

LABEL IN PART: (Bag) "Buttercup Brand Extra Grade Low Heat * * * Distributed by Wm. Fitzgerald Milk Products Corp., Watertown, Wisconsin * * * Extra Grade Nonfat Dry Milk Solids."

RESULTS OF INVESTIGATION: Investigation indicated that the article consisted of equipment cleanout, scorched milk, and floor sweep material, and that it had been originally bagged, labeled, and sold as animal feed but subsequently re-bagged by the shipper and sold as "Extra Grade" for human food use.

LIBELED: 1-7-64, N. Dist. Ga.

CHARGE: 402(a)(3)—When shipped, contained hair, pieces of wood, metal fiber, sand, grit, lint and other nondescript material; and 403(a)—the label statement "Extra Grade" was false and misleading as applied to a product containing hair, pieces of wood, pieces of metal fiber, sand, grit, lint and other nondescript material.

DISPOSITION: 2-11-64. Default—ordered destroyed, or delivered to a Government institution for use as animal food after being denatured.

EGGS

29446. Frozen eggs. (F.D.C. No. 47967. S. No. 4-917 T.)

QUANTITY: 92 30-lb. cans at Arlington, Va.

SHIPPED: 7-31-62 and 8-3-63, from Baltimore, Md., by Smelkinson Bros. Corp.

LABEL IN PART: "Buffington & Ward, Inc. * * * Frozen Whole Eggs * * * Baltimore, Md."

LIBELED: 8-13-62, E. Dist. Va.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 9-25-62. Consent—claimed by Smelkinson Bros. Corp. Segregated; 21 cans denatured.

29447. Frozen eggs. (F.D.C. No. 48967. S. No. 8-034 V.)

QUANTITY: 2,400 30-lb. cans at Roxbury, Mass.

SHIPPED: Between 11-1-62 and 4-23-63, from Derry and Salem, N.H., and Somerville, Mass.

RESULTS OF INVESTIGATION: The frozen eggs had been prepared and packed locally from shell eggs shipped as above.

LIBELED: 5-17-63, Dist. Mass.

CHARGE: 402(a)(3)—contained decomposed eggs while held for sale.

DISPOSITION: 8-27-63. Consent—claimed by Saul F. Fleishman, t/a Fleishman & Co., of Boston, Mass., and denatured after attempts to recondition proved to be unsuccessful.